

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:

Marcus B. GOHLKE

Serial No.: 10 021,970

Confirmation No.: 4120

Filed: December 13, 2001

For: COMPOSITIONS CONTAINING
BETA-GLUCAN AND LACTOFERRIN
AND THEIR USE

Group Art Unit: 1651

Examiner: Susan D. Coe

Att'y Docket: 13479.0002.CPU S01

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Commissioner for Patents

P.O. Box 1450

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Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed May 9, 2003, finally rejecting claims 1, 3 and 5-18.

Applicant authorizes the Commissioner to deduct the \$165.00 fee for filing this Notice of Appeal from Howrey Simon Arnold & White, LLP Deposit Account 01-2508 13479.0002.CPU S01 BNL. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is authorized to deduct the fee from Howrey Simon Arnold & White, LLP Deposit Account 01-2508 13479.0002.CPU S01 BNL.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

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October 7, 2003